

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

SHERRY G. LUCAS, )  
Petitioner-Appellant, )  
v. ) No. 2023-2345  
UNITED STATES POSTAL )  
SERVICE, )  
Respondent-Appellee. )

**RESPONDENT-APPELLEE'S MOTION FOR AN EXTENSION OF TIME**

Pursuant to Federal Circuit Rule 26(b), respondent-appellee, the United States, respectfully requests that the Court grant an extension of time of 14 days, to and including December 18, 2023, within which to file our informal response brief. Our informal response brief currently is due no later than December 4, 2023. We have not previously requested an extension of time for this purpose. On December 4, 2023, we to contacted petitioner for her position on this motion, and, as of the time of this filing she had not yet responded with her position.

Good cause exists for granting this request because we will be unable to complete and file the response brief within the time set by the Court's rules. Undersigned counsel originally anticipated filing her response brief on or before December 4, 2023. However, undersigned counsel had an allergic reaction to a

medication she is taking, and she spent the two days leading up to the Thanksgiving holiday unable to work, necessitating this extension. Additionally, due to her heavy work schedule, she was unable to work on her brief in the following days.

Although the press of business in other courts is not necessarily a reason for an extension of time in this Court, undersigned counsel is required to participate in discovery and depositions in *Alabama Power Company v. United States*, Fed. Cl. No. 17-1480, *Georgia Power Company v. United States*, Fed. Cl. No. 17-1481, *Georgia Power Company v. United States*, Fed. Cl. No. 17-1492, and *Palisades Nuclear Power LLC v. United States*, Fed. Cl. No. 22-713, throughout the months of October and November. She was also engaged in briefing in *United Rentals (North America) v United States*, Fed. Cl. No. 23-679, throughout the months of October and November.

Accordingly, we respectfully request that the Court grant our motion for an extension of time of 14 days, to and including December 18, 2023, within which to file our informal response brief.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant  
Attorney General

PATRICIA M. McCARTHY

Director

/s/ Claudia M. Burke/by William J.  
Grimauldi

CLAUDIA M. BURKE  
Deputy Director

/s/ Matney E. Rolfe  
MATNEY E. ROLFE  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 616-0333  
Facsimile: (202) 305-7644  
Matney.E.Rolfe@usdoj.gov

December 4, 2023

*Attorneys for Respondent*

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

WILLIAM DAVID JONES, )  
 )  
Petitioner-Appellant, )  
 )  
v. ) No. 2023-1442  
 )  
DEPARTMENT OF THE NAVY, )  
 )  
Respondent-Appellee. )

DECLARATION OF MATNEY E. ROLFE

I, Matney E. Rolfe, provide the following declaration:

1. I am a Trial Attorney with the Commercial Litigation Branch of the Civil Division, United States Department of Justice. I am principally responsible for representing the respondent, the United States, in this appeal. I submit this declaration, pursuant to Fed. Cir. R. 26(b), in support of the Government's request for a 14-day extension of time, to and including December 18, 2023, within which to file its informal response brief.

2. On Tuesday, November 21, 2023, I had an allergic reaction to a medication I am taking, and I spent the two days leading up to the Thanksgiving holiday unable to work, necessitating this extension. Additionally, due to my heavy work schedule, I was unable to work on my brief in the following days.

3. Although the press of business in other courts is not necessarily a reason for an extension of time in this Court, I was and will continue to be required to participate in discovery and depositions in *Alabama Power Company v. United States*, Fed. Cl. No. 17-1480, *Georgia Power Company v. United States*, Fed. Cl. No. 17-1481, *Georgia Power Company v. United States*, Fed. Cl. No. 17-1492, and *Palisades Nuclear Power LLC v. United States*, Fed. Cl. No. 22-713, throughout the months of October and November. I was also engaged in briefing in *United Rentals (North America) v United States*, Fed. Cl. No. 23-679, throughout the months of October and November.

4. On December 4, 2023, I contacted Mr. McCormick by email at frank0410@att.net, which I obtained from appellant's entry of appearance, and as of the time of this filing she had not yet responded with her position.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2023.

/s/ Matney E. Rolfe  
MATNEY E. ROLFE

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 27(d)(2)(A), the undersigned certifies that the word processing software used to prepare this motion indicates that there are a total of 321 words, excluding the portions of the motion identified in the rules. The motion complies with the typeface requirements and type style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and 32(a)(6) and has been prepared using Times New Roman 14-point font, proportionally spaced typeface.

\_\_\_\_\_  
/s/ Matney E. Rolfe

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court using CM/ECF. The filing was also sent to the addressed as follows:

Sherry G. Lucas  
365 Oglesby Avenue Apt. 2  
Calumet City, IL 60409-1814

December 4, 2023

/s/ Matney E. Rolfe

MATNEY E. ROLFE  
*Attorney for the United States*